



City of Vermillion Planning and Zoning Commission Agenda

5:30 p.m. Special Meeting

Monday, July 20, 2020

Large Conference Room – 2nd Floor

City Hall, 25 Center Street, Vermillion, SD 57069

Virtual Only Meeting (see link below)

<https://us02web.zoom.us/j/86112305925>

1. **Roll Call**
2. **Minutes**
 - a. July 13, 2020 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
 - a. Offer comments through our meeting at: <https://us02web.zoom.us/j/86112305925>
6. **Public Hearings**
 - a. Ordinance 1416 – Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses.
7. **Old Business**
8. **New Business**
9. **Staff Reports**
10. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities. After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed. During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish. Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 20, 2020

Subject: Ordinance 1416 – Amending Title XV, Chapter 155, Section 155.058 (C) and (D), Bliss Pointe Planned Development District, to allow for Single-Family Detached Dwellings, and Motor Vehicle Sales, Displays, and Rentals; and to remove all Multiple-Family Dwelling uses

Presenter: Jose Dominguez

Background: In 2013 the Vermillion Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). The need for creating Bliss Pointe came about due to a community wide shortage of affordable, single-family housing. The VCDC purchased approximately 30-acres to develop, in part, affordable housing.

For ease of construction, Bliss Pointe was divided into two phases. The first phase consisted of all of the ‘bluff’ lots, the cul-de-sac, and other internal lots. At the time the idea was to use the development of phase one to fund the second phase, which would consist of higher density residential development. Currently, most of phase one has been developed and the VCDC is starting the process to commence work on phase two.

On June 26, 2020, the City received an application from the VCDC and Mr. Kevin Bliss requesting to amend the current Bliss Pointe zoning. The application requested that Area C be amended to allow single-family detached dwellings as a permitted use, and to remove all multiple-family dwelling uses from this area. Additionally, the applicants requested that Area D allow, as a permitted use, motor vehicle sales, display, and rentals.

The City published a notice on the PlainTalk advertising today’s meeting, posted signs on the property, and mailed notices to owners within 250-feet of the affected property.

A Commission meeting was held on July 13th to discuss this item. Due to a lack of property owner notification the Commission was not able to make a recommendation at the July 13th meeting. Regardless, three members of the public commented at the July 13th meeting. Two of the comments were in favor of the proposed changes to Area D, one person asked for the proposed changes to Area C to be explained further, and another person asked if the proposed changes to Area D applied to all of the empty lots within Area D.

Discussion: As mentioned previously, one of the original intents of Bliss Pointe was to create affordable, single-family housing. This required that the VCDC offer a wide variety of housing styles (single-family detached, single-family attached, and multiple-family dwellings) in the new development. Phase one of the development consisted mainly of areas for the construction of single-family detached dwellings as a permitted use, with some locations for single-family attached dwellings as conditional-uses. The combination of these two different types of housing has proven unpopular with some Bliss Pointe residents as many of them see the increase in residential density as a negative. This is due to the perception that the increased density, in such close proximity, negatively affects property value.

In order to try and address this issue, the applicants are proposing to amend the allowable uses within Area C by eliminating all of the multiple-family dwelling uses. Additionally, they are requesting that single-family detached dwellings be allowed as a permitted use (currently this use is not allowed in Area C). This means that for Area C, both attached and detached single-family dwellings will be allowed as permitted uses. The applicants are trying to balance the original concept of Bliss Pointe (offering affordable housing in a wide variety of housing styles) and the perception that residential property values decrease when differing housing styles are built in close proximity.

The applicants proposed amendment to Area D is intended to allow the construction of small car dealerships. These dealerships may sell products that are more limited (e.g. foreign vehicles, antique vehicles, collector vehicles, etc...) and harder to find. The intent is to offer space for a person to display and sell a small number of vehicles in their parcel.

Compliance with Comprehensive Plan: The City's 2035 Comprehensive Plan has, in part, the following goals and objectives to consider:

- Provide a variety of housing types that allow people to live in Vermillion at any state in their life and income. (pg. 13)
- Facilitate the location, character, and phasing of residential growth and development. (pg. 13)
- Create and maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses. (pg. 13 and 48)

- Address the density, affordability, and type requirements for housing. (pg. 13)
- Provide attractive, inviting, quality retail shopping, and commercial services that are convenient to existing and future Vermillion residents and visitors. (pg. 14)
- Allow for a supply of housing styles, sizes and prices that encourage people of all ages to live in Vermillion. (pg. 48)
- Focus new development within existing City limits areas. (pg. 67)

Conclusion/Recommendations: Staff recommends that the Commission recommend approval of the proposed amendments to the City Council. With the proposed changes the VCDC is attempting to address a couple of challenges associated with the community in general. First, the VCDC is addressing the lack of affordable housing in the community by offering space for a variety of housing styles. The proposed solution may elicit a strong response from the public. However, Staff believes the VCDC's proposed amendments would help balance the public's concerns with the original intent of Bliss Pointe. Secondly, the VCDC's proposal provides additional locations for businesses to take place. Although the proposed use is not typically found in close proximity to residential uses, Staff believes that limiting the number of vehicles displayed outside will curtail some of the concerns that may be raised by the public.

PETITION FOR ZONE CHANGE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):
Vermillion Area Chamber & Development Company

Hereby petition to rezone property owned by (Name & Address): Vermillion Area Chamber of Commerce and Development Company

From the classification _____, Not changing _____ to _____, Not Changing _____.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be Rezoned. You may need to have a surveyor draft this description):

(BLK 6, Lot 12) - Blk 6 Exc Lots 1A, 2A, 3, 4A, 5A, 5B, 6A, 6B, 8, 9, 10, 11, & 13 BLISS POINTE ADDN

TRACT 1 EXC BLISS POINTE ADDN BLISS 3RD ADDN

Parcel Identification Number (PIN): 15093-00600-000-00 / 15092-00000-000-00

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):
Please see attached

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. Please see attached

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.
This development is intended to equally match in its added value to the community and local property tax increases with burdens to local government

C. What have you done to determine that the land is suitable for the development proposed?
Prior planning. Additional explanation in attached letter.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas. No known additional work will need to be done, other than general construction and infrastructure development

E. Explain any potential for conflict with existing land uses in the area. We see no seen conflicts of existing land uses as these two proposed changes will compliment current housing developments as well as add an additional business to the southern portion of the development.

(OVER)

F. Demonstrate the need of the proposed development at this location. Please see attached

G. What is the availability of alternative locations? Be specific. Commercial Development - there are few places available for this type of commercial business change. While some exist, we don't feel this to be unreasonable.

Residential property developments currently exist, but we feel this to be a great addition to the current available developable lots in Vermillion.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? The 15 acres that are sometimes used for crop land, are often used for just alfalfa. It has been farmed with intentions of someday developing houses.

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. The remaining 15 acres have been intended on housing since 2013.

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature  Phone (605) 624-4964 ~~624-5571~~ Date 6/26/2020

8. Owner's Signature  Phone (605) 624-5571 Date 6/26/2020
(If different)

Date Fee Received: _____ Fee \$150.00 PAYABLE TO the City of Vermillion

FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.

June 24th, 2020



Vermillion City Planning & Zoning Commission,

To the members of the Planning & Zoning Commission, I offer this letter as an additional explanation accompanying our application for changing parts of our Planned Development District.

This application includes two minor changes. The first is in section D, which includes our commercial lots at Bliss Pointe. The second is in section C, which includes our residential lots at Bliss Pointe.

First – the commercial lot change. The Vermillion Area Chamber of Commerce & Development Company (VCDC) has entered into a Purchase Agreement with a local business owner who intends on building a commercial building on Lot 12, Block 6 of Bliss Pointe. This is a long-time business owner in the community, and while his facility will not immediately have the purpose, it could, in the future, provide specialty auto sales on a limited basis. To do so, we feel it necessary and appropriate to change the current conditions to allow auto vehicle sales – with up to, but no more than, 10 vehicles placed for sale outside of the structure on the property. The VCDC is supportive of this for the following reason: this facility could provide a 'boutique aspect' of auto sales in what is growing to be a unique specialty service area of Vermillion – which includes multiple types of housing, visitor attractions, neighborhood restaurants and this addition of retail. We ask for the Planning and Zoning to recommend approval of these proposed changes.

Second – the residential lots at Bliss Pointe. At this point, Bliss Pointe - Phase 1 lots are over 80% sold, just over five years after we broke ground on the first home in this beautiful addition. Since then, the 35 acres in Phase 1 now generates over \$8m in property valuation. To say "we aren't done yet" is an understatement. We are extremely excited at continuing the success of Phase 1 with beginning development on Phase 2 – which includes nearly 15 additional acres. Before we break ground on the infrastructure, we are pausing to take a moment and appropriately pivot from the original plans of Bliss Pointe as they were envisioned in 2013. Originally, the concept for Phase 2 was to have a bit more of a denser population of housing. A great plan in its time, but since then over 1,000 new apartment beds have been added to the Vermillion housing landscape. Along with continued development of Bliss Pointe homes in Phase 1, we feel the importance on growing our Single Family homes inventory in Vermillion. Therefore, we are looking to change the plans of Phase 2 to be the proposed changes in this request.

Thank you for your time, consideration, and your service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Welch".

Nate Welch
VCDC President / CEO



§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.

(A) *Area A (low-density, single-family detached residential uses)*. All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Dwelling, single-family detached	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Day care, group	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utility facility	§ <u>155.070</u>
Public park areas	§ <u>155.070</u>
Accessory building or use	§§ <u>155.071</u> , <u>155.082</u> (A) (see definition)

(B) *Area B (low to medium-density, single-family residential uses)*. All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses

Conditional Uses	Applicable Standards
Dwelling, single-family attached	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Dwelling, multiple-family (maximum of 2 dwelling units per lot)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>

(C) *Area C (low to medium-density, single-family residential uses)*. All city ordinances apply to the Planned Development District identified as Area C except for those modified below.

Deleted: medium to high-density residential uses

Permitted Uses	Applicable Standards
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Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, single-family attached	§§ 155.070 , 155.072 , 155.076 , 155.077
Day care center	Adequate and safe playground area with fence 4 feet high.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071 , 155.082(A) (see definition)

Deleted: Dwelling, multiple-family (maximum of 2 dwelling units per lot) ... [1]

Deleted: *Conditional Uses* ... [2]

(D) *Area D (light commercial uses)*. All city ordinances apply to the Planned Development District identified as Area D except for those modified below.

Permitted Uses	Applicable Standards
Retail services and trade	§§ 155.070 , 155.072 , 155.076 , 155.077
Offices, non-commercial, non-construction and non-industrial	§§ 155.070 , 155.072 , 155.076 , 155.077
Personal Service	§§ 155.070 , 155.072 , 155.076 , 155.077
Hospital	§§ 155.070 , 155.072 , 155.076 , 155.077
Day Care Center	§§ 155.070 , 155.072 , 155.076 , 155.077
Motor vehicle sales, display, and rental	§§ 155.070, 155.072, 155.073, 155.077 , Subject to screening of all outdoor storage of parts from view. No more than 10 vehicles displayed outside of any structure within lot.
Accessory Building or Use	§§ 155.070 , 155.072 , 155.076 , 155.077

(E) *Lot and yard regulations*. All measurements shall be taken from the lot line to the building line (see definitions). Values listed are minimums, unless otherwise stated.

	Lot Area	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling, single-family detached	6,500 square feet	50 feet	65 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
Dwelling, single-family	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-	25 feet	35 feet

attached, See (4)					party wall side		
Dwelling, multiple- family(maximum of 2 dwelling units per lot)	7,500 square feet	50	75	25 feet	8 feet	25 feet	35 feet
Dwelling, multiple- family units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
Dwelling, multiple- family units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple- family units (over 48 bedrooms per lot, number of bedrooms per dwelling unit	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

cannot exceed 4)							
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	10 feet	25 feet	45 feet

Exceptions:

- (1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- (2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- (3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- (4) Every two units shall be staggered.
- (5) More than one building per lot may be constructed.
- (6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- (7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.
- (8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re- division.

(Ord. 1302, passed 8-5-2013; Am. Ord. 1409, passed 12-2-2019)

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§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.

(A) *Area A (low-density, single-family detached residential uses)*. All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Dwelling, single-family detached	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Day care, group	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utility facility	§ <u>155.070</u>
Public park areas	§ <u>155.070</u>
Accessory building or use	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(B) *Area B (low to medium-density, single-family residential uses)*. All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses

Conditional Uses	Applicable Standards
Dwelling, single-family attached	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Dwelling, multiple-family (maximum of 2 dwelling units per lot)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>

(C) *Area C (low to medium-density, single-family residential uses ~~medium to high-density residential uses~~)*. All city ordinances apply to the Planned Development District identified as Area C except for those modified below.

Permitted Uses	Applicable Standards
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Dwelling, single-family detached	6,500 square feet	50 feet	65 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
Dwelling, single-family attached, See (4)	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-party wall side	25 feet	35 feet
Dwelling, multiple-family(maximum of 2 dwelling units per lot)	7,500 square feet	50	75	25 feet	8 feet	25 feet	35 feet
Dwelling, multiple-family units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
Dwelling, multiple-family units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple-family units (over	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet

48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)							
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	10 feet	25 feet	45 feet

Exceptions:

- (1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- (2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- (3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- (4) Every two units shall be staggered.
- (5) More than one building per lot may be constructed.
- (6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.
- (7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.
- (8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.

(F) *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re- division.

(Ord. 1302, passed 8-5-2013; Am. Ord. 1409, passed 12-2-2019)

